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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

REVEAL CHAT HOLDCO, LLC, a Delaware
limited liability company, USA
TECHNOLOGY AND MANAGEMENT
SERVICES, INC. (d/b/a Lenddo USA), a
Delaware corporation, and BEEHIVE
BIOMETRIC, INC., a dissolved Delaware
corporation, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC., a Delaware corporation,

Defendant.

Case No. 5:20-cv-00363-BLF

**PLAINTIFFS' RESPONSE TO
DEFENDANT FACEBOOK, INC.'S
ADMINISTRATIVE MOTION TO
ENLARGE TIME TO RESPOND TO THE
FIRST AMENDED COMPLAINT**

1 Plaintiffs respectfully submit this response to Defendant Facebook, Inc.’s Administrative
2 Motion to Enlarge Time. The differences between the parties are narrow and straightforward.
3 Plaintiffs do not oppose Facebook’s request for a 21-day enlargement of time (to September 11,
4 2020) to respond to the Amended Complaint, nor do they oppose Facebook’s proposed 21-day
5 enlargement of time (to 35 days) for Plaintiffs to file an opposition to the anticipated motion to
6 dismiss. Plaintiffs agree with Facebook that additional time to adequately brief the issues is
7 warranted “given the inherent complexity of antitrust claims,” Mot. 1, to say nothing of the
8 particular complexity—both legal and factual—of the claims in this highly technical case. If
9 Facebook’s first motion to dismiss is any guide, the parties will again be briefing at least the issues
10 of fraudulent concealment, market definition, and refusals to deal under *Aspen Skiing Co. v. Aspen*
11 *Highlands Skiing Corp.*, 472 U.S. 585 (1985), and its progeny.

12 That same rationale—complexity—underlies Plaintiffs’ request for a 10-page expansion
13 (to 35 pages) of the page limit for its opposition brief. It is here that the parties diverge. Plaintiffs
14 asked Facebook to jointly move the Court for this modest page-limit expansion (matched by an
15 identical 10-page expansion for Facebook’s opening brief), along with a corresponding 11-day
16 enlargement of time (to 18 days) for Facebook to reply. Facebook rejected this request and said
17 it would not agree to any additional pages for briefing, instead filing this motion.

18 Just as Facebook believes that additional time will allow it to better brief the issues for the
19 Court, Plaintiffs submit that an expanded opposition brief will do the same. Plaintiffs are mindful
20 of the Court’s preference for concise briefing, and would treat any expansion as a “maximum,”
21 not a goal. *See* Standing Order re Civil Cases, Judge Beth Labson Freeman, § IV.A.7. Should the
22 Court grant this request, Plaintiffs would not oppose Facebook’s request for a 14-day enlargement
23 of time (to 21 days) to reply, given the additional matter in the opposition brief.

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1 Dated: August 13, 2020

Respectfully submitted,

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